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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: Roy Lim	) Before the Examiner ) Pedro Philogene
Application Serial No. 10/659,461	Group Art Unit 3733
Filed September 10, 2003	) Ref. No. MSDI-651/ ) PC928.00
DEVICES AND METHODS FOR INSERTING SPINAL IMPLANTS	) December 13, 2006

#### RESPONSE TO FIRST OFFICE ACTION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action mailed September 13, 2006, please enter and consider the following remarks. Please provide any extensions of time necessary and charge any fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

Response to non-final Office Action Application Serial No. 10/659,461 Page 1 of 15 BEST AVAILABLE COPY

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# FAX COVER PAGE

DATE: December 13, 2006

PAGES INCLUDING THIS PAGE: 17

TO: United States Patent and Trademark Office

FAX NUMBER: 571-273-8300

COMPANY: Examiner Pedro Philogene, Group Art Unit 3733

PHONE NUMBER:

FROM: Douglas A. Collicr

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RE: Response to Office Action for U.S. Patent Application No. 10/659,461 to Roy Lim

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 10/659,461 September 10, 2003 Filing Date TRANSMITTAL First Named Inventor Roy Lim FORM Art Unit 3733 Examiner Name Pedro Philogene (to be used for all correspondence after initial filing) Attorney Docket Number MSDI-651/PC928-00 Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC Drawing(s) Fee Transmittal Form Appeal Communication to Board Licensing-related Papers of Appeals and Interferences Fee Attached Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) 10 Petition Amendment/Reply Petition to Convert to a Proprietary Information Provisional Application After Final Power of Attorney, Revocation Status Letter Change of Correspondence Address Affidavits/declaration(s) Other Enclosure(s) (please Identify Terminal Disclaimer below): Extension of Time Request Fax Cover Sheet Request for Refund Express Abandonment Request CD. Number of CD(s) Information Disclosure Statement Landscape Table on CD Remarks Certified Copy of Priority Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name Krieg, De Kault LLP Signature Printed name Douglas A. Coller Date Reg. No. 43,556 December 13, 2006 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Palents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Signature

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Douglas A. Collier

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